

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

In re Cablevision Consumer Litigation

This Document Relates to:
All Actions

Master File No.
10-cv-4992 (JS) (AKT)

ECF CASE

**DECLARATION OF ANDREW M. GENSER IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
AND IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Andrew M. Genser, declare as follows:

1. I am a partner at Kirkland & Ellis LLP, counsel for Cablevision Systems Corporation and CSC Holdings, LLC ("Defendants") in the above-captioned case. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment and in support of Defendants' Motion for Summary Judgment.

2. Attached as Exhibit 1 are true and correct copies of Plaintiff Arthur Finkel's Cablevision billing statements (P-AF-000001-5).

3. Attached as Exhibit 2 are true and correct copies of Plaintiff Vincent Pezzuti's Cablevision billing statements (P-VP-000001-5).

4. Attached as Exhibit 3 is a true and correct copy of the January 17, 2013 Declaration of Bradley Feldman in Support of Defendants' Opposition to Plaintiffs' Motion for Class Certification.

5. Attached as Exhibit 4 is a true and correct copy of the deposition transcript of Plaintiff Arthur Finkel, dated January 3, 2013.

6. Attached as Exhibit 5 are true and correct copies of Plaintiff Eric Bohm's Cablevision billing statements (P-EB-000001-4).

7. Attached as Exhibit 6 is a true and correct copy of the deposition transcript of Plaintiff Eric Bohm, dated November 15, 2012.

8. Attached as Exhibit 7 is a true and correct copy of the deposition transcript of Plaintiff Vincent Pezzuti, dated November 13, 2012.

9. Attached as Exhibit 8 is a true and correct copy of Cablevision's Rates & Packages for the Freehold/Lakewood/Jackson, New Jersey area, as of April 14, 2009 (CSC00000096-97).

10. Attached as Exhibit 9 is a true and correct copy of Cablevision's General Terms and Conditions of Service (CSC00353996).

11. Attached as Exhibit 10 is a true and correct copy of Cablevision's Supplemental Responses and Objections to Plaintiffs' First Set of Interrogatories, dated January 17, 2013.

12. Attached as Exhibit 11 is a true and correct copy of an email with the subject "Re: FOX emails," dated October 17, 2010 (CSC00017061-64).

13. Attached as Exhibit 12 are true and correct copies of Cablevision advertisements regarding the Fox negotiations, dated October 13, 2010 (CSC00000936-38).

14. Attached as Exhibit 13 is a true and correct copy of an email with the subject "Important News About Your Fox Programming," dated October 11, 2010 (CSC00186056-57).

15. Attached as Exhibit 14 is a true and correct copy of a slip sheet denoting an audio file of a radio advertisement that was produced by Cablevision to Plaintiffs in native format (CSC00000918).

16. Attached as Exhibit 15 is a true and correct copy of an email with the subject "Re: Fox Newspapers traffic instructions," dated October 12, 2010 (CSC00155146-48).

17. Attached as Exhibit 16 is a true and correct copy of an email with the subject “Cablevision Agrees to Binding Arbitration to Resolve News Corp. Dispute,” dated October 14, 2010 (CSC00015687-88).

18. Attached as Exhibit 17 is a true and correct copy of the February 16, 2016 Declaration by Bradley Feldman in Opposition to Plaintiffs’ Motion for Partial Summary Judgment and in Support of Defendants’ Motion for Summary Judgment.

19. Attached as Exhibit 18 is a true and correct copy of the deposition transcript of Thomas Montemagno, dated December 11, 2012.

20. Attached as Exhibit 19 is a true and correct copy of Cablevision’s Terms of Service Agreement (CSC00353991-94).

21. Attached as Exhibit 20 is a true and correct copy of the January 31, 2013 Declaration of Bradley Feldman in Support of Cablevision’s Opposition to Plaintiffs’ Motion for Partial Summary Judgment.

22. Attached as Exhibit 21 is a true and correct copy of Cablevision’s Rates & Packages for the Port Chester, New York area, as of August 11, 2010 (CSC00000796-97).

23. Attached as Exhibit 22 is a true and correct copy of Exhibit 1 to the July 18, 2014 Expert Report of Jonathan Orszag.

24. Attached as Exhibit 23 is a true and correct copy of Cablevision’s Rates & Packages for the Bayonne, New Jersey area, as of February 11, 2010 (CSC00000540-631).

25. Attached as Exhibit 24 is a true and correct copy of Cablevision’s Rates & Packages for the Bridgeport, Connecticut area, as of August 12, 2010 (CSC00000768-879).

26. Attached as Exhibit 25 is a true and correct copy of the deposition transcript of Plaintiff Theodore Pearlman, dated November 16, 2012.

27. Attached as Exhibit 26 is a true and correct copy of the deposition transcript of Plaintiff John Brett, dated November 12, 2012.

28. Attached as Exhibit 27 are true and correct copies of Plaintiff Tina Gerson's Cablevision billing statements (P-TG-000001-5).

29. Attached as Exhibit 28 are true and correct copies of Plaintiff Theodore Pearlman's Cablevision billing statements (P-TP-000001-4).

30. Attached as Exhibit 29 are true and correct copies of Plaintiff Martin Siegel's Cablevision billing statements (P-MS-000001-5).

31. Attached as Exhibit 30 is a true and correct copy of a Cablevision document titled "2010 New Video Content & Enhancements (as of November 3, 2010)" (CSC00236195-96).

32. Attached as Exhibit 31 is a true and correct copy of the deposition transcript of Todd Buchholz, dated September 18, 2014.

33. Attached as Exhibit 32 is a true and correct copy of the deposition transcript of Larry Gerbrandt, dated September 19, 2014.

34. Attached as Exhibit 33 is a true and correct copy of the deposition transcript of Plaintiff Stanley Somer, dated November 9, 2012.

35. Attached as Exhibit 34 is a true and correct copy of the deposition transcript of Thomas Rutledge, dated February 5, 2013.

36. Attached as Exhibit 35 is a true and correct copy of the deposition transcript of Bradley Feldman, dated December 27, 2012.

37. Attached as Exhibit 36 is a true and correct copy of an October 17, 2010 on-air message from Cablevision to subscribers (CSC00017062).

38. Attached as Exhibit 37 is a true and correct copy of an October 17, 2010 on-air message from Cablevision to Connecticut subscribers (CSC00017063).

39. Attached as Exhibit 38 is a true and correct copy of an October 17, 2010 on-air message from Cablevision to New Jersey subscribers (CSC00017064).

40. Attached as Exhibit 39 is a true and correct copy of an October 13, 2010 letter from Cablevision to the Connecticut Department of Public Utility Control (CSC00353735-36).

41. Attached as Exhibit 40 is a true and correct copy of an October 13, 2010 letter from Cablevision to the New Jersey Board of Public Utilities (CSC00353739-40).

42. Attached as Exhibit 41 is a true and correct copy of an October 13, 2010 letter from Cablevision to New York State Public Service Commission (CSC00353741-42).

43. Attached as Exhibit 42 is a true and correct copy of an October 18, 2010 letter from Cablevision to the New York State Public Service Commission (CSC00353748-49).

44. Attached as Exhibit 43 is a true and correct copy of an October 18, 2010 letter from Cablevision to the Connecticut Department of Public Utility Control (CSC00353737-38).

45. Attached as Exhibit 44 is a true and correct copy of Plaintiffs' Supplemental Responses to Cablevision's Interrogatories, dated September 12, 2012.

46. Attached as Exhibit 45 is a true and correct copy of the September 11, 2014 Rebuttal Expert Report of Jonathan Orszag.

47. Attached as Exhibit 46 is a true and correct copy of a Cablevision document summarizing the total number of Cablevision Video Subscribers, by tier, for September-October 2010 (CSC00354413).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2016.

/s/ Andrew M. Genser

Andrew M. Genser